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8 Attorneys for Plaintiff

9 UNITED STATES MAGISTRATE COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. 3-06-70479 MAG
13 Plaintiff,) [PROPOSED] ORDER AND
14 v.) STIPULATION FOR CONTINUANCE
15 JOHNSON MAI,) FROM SEPTEMBER 6, 2006 TO
16 a/k/a Zhi Xiong Mai,) SEPTEMBER 27, 2006 AND
17 a/k/a Uncle Hong,) EXCLUDING TIME FROM THE SPEEDY
18 a/k/a Chi Hong Mak,) TRIAL ACT CALCULATION (18 U.S.C. §
19 a/k/a Hong Suk;) 3161(h)(8)(A)) AND WAIVING TIME
LISA LEE,) LIMITS UNDER RULE 5.1
20 a/k/a Xiao Ling Li;)
KAI LUN ZHENG,)
21 a/k/a Wai Keung Cheung,)
a/k/a Su Ming,)
22 a/k/a Alan Zheng;)
ZHI EN HUANG,)
23 a/k/a Gao Lo;)
DAVID YUEN,)
a/k/a Lo Wu ,)
a/k/a Wu So Gor; and)
ERIC YU HENG CAI;)
24 Defendants.)

25 With the agreement of the parties, and with the consent of the defendants, the Court

26 enters this order scheduling an arraignment or preliminary hearing on September 27, 2006 at

27 28 STIPULATION AND [PROPOSED] ORDER
[3-06-70479] [MAG]

1 9:30A.M. before the duty magistrate judge, and documenting the defendants' waiver of the
2 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time
3 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 6, 2006 to September 27,
4 2006. The parties agree, and the Court finds and holds, as follows:

5 1. The defendants agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
6 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective
7 preparation, taking into account the exercise of due diligence.

8 2. The defendants waive the time limits of Federal Rule of Criminal Procedure 5.1 for
9 preliminary hearing.

10 3. All counsel for the defendants believe that postponing the preliminary hearing is in the
11 clients' best interest, and that it is not in their clients' interest for the United States to indict the
12 case during the normal 10-day timeline established in Rule 5.1. All counsel for the defendants
13 have specifically considered the need for additional time to continue consultations with Pretrial
14 Services on the question of their clients' eligibility for pretrial diversion.

15 4. The Court finds that, taking into account the public interest in the prompt disposition
16 of criminal cases, these grounds are good cause for extending the time limits for a preliminary
17 hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court
18 finds that the ends of justice served by excluding the period from September 6, 2006 to
19 September 27, 2006 outweigh the best interest of the public and the defendants in a speedy trial.
20 § 3161(h)(8)(A).

21 5. Accordingly, and with the consent of the defendant, the Court (1) alternatively sets a
22 preliminary hearing or arraignment before the duty magistrate judge on September 27, 2006 at
23 9:30A.M., and (2) orders that the period from September 6, 2006 to September 27, 2006 be
24 excluded from the time period for preliminary hearings under Federal Rule of Criminal
25 Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) &
26 (B)(iv).

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28 STIPULATION AND [PROPOSED] ORDER
[3-06-70479] [MAG]

1 IT IS SO STIPULATED:

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3 DATED: 9/23/06

4

/S/ Robert Waggener
ROBERT WAGGENER
Attorney for Defendant Johnson Mai

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6 DATED: 9/22/06

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8 DATED: 9/19/06

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10 DATED: 9/28/06

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12 DATED: 9/22/06

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15 IT IS SO ORDERED.

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17 DATED: _____

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HONORABLE ELIZABETH D. LAPORTE
United States Magistrate Judge

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STIPULATION AND [PROPOSED] ORDER
[3-06-70479] [MAG]